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## III. NOTES ON COLONIES AND COLONIAL GOVERNMENT

## THE ELECTIONS IN PORTO RICO.

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The elections which have recently been held in Porto Rico are of much more importance to the United States than a casual observer would suppose. Oklahoma or New Mexico may elect their local officers or their delegates to Washington without creating a ripple outside their own locality, and without in any way indicating the success or failure of a great policy; but in the election in Porto Rico the system of colonial government established by the United States was under trial and on its result depended to a considerable extent the success or failure of Porto Rican self-government.

As a result of this election President Roosevelt in his message to Congress was able to state "of Porto Rico it is only necessary to say that the prosperity of the island and the wisdom with which it has been governed have been such as make it serve as an example of all that is best in insular administration."

For the first time in their history the people of Porto Rico have met in a contested election, held under civil authorities, in which a free expression of opinion was allowed. The previous elections held during the Spanish régime in no way resulted in the free expression of public opinion, the dominant party by trick or by fraud invariably obtaining the results they desired, and the agents of the government being elected to all but the positions of minor importance.

The first elections held in Porto Rico after the island passed from the Spanish flag were held for the purpose of electing municipal officers. They began in October of 1899 and lasted until February 8, 1900. They were conducted under the supervision of the Military Government which then existed, every polling place was presided over by an officer, and the United States troops were on hand to prevent disorder. Notwithstanding this, in nearly every town where the Federal party won, the Republicans contested the election, charging fraudulent voting.

The Organic Act, better known perhaps as the Foraker Bill, which introduced civil government in Porto Rico, provided that elections should be held in November, 1900, for the purpose of electing a commissioner to the United States, and thirty-five representatives who were to form the House of Delegates. This election proved to be uncontested. It is not necessary here to enter into the question of motives that led the Federal party at the eleventh hour to retire from the polls. Suffice it to say that a general order was issued by the leaders of the Federal party that no Federal should cast his vote, and as a result out of the total of 58,515 votes cast all were Republican save 148. The laws and regulations under which this election was held were formulated by the Executive Council, which had been called into being by the

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Organic Act, and consisted of six Americans and five Porto Ricans, these Americans being the heads of the various departments into which the government was divided. A sub-committee on elections sat almost continuously during the weeks before election, and with the council in immediate call, every point as it came up was dealt with and new rules were passed to cover every emergency. The result of this election was naturally the election of the Republican commissioner to the United States and a House of Delegates unanimously Republican.

In order to prepare for the general elections to be held in 1902, during the session of 1901 an election law was introduced by a member of the Executive Council. This law was largely based on the orders that had been issued by the Executive Council for the election of 1900. It was supposed to embody all the better portions of those orders and many corrections, where in practice they had been found faulty. This law, however, was passed by a House of Delegates, every member of which was a Republican, and it is not surprising that certain portions of the law gave advantages to that party. In one clause in particular, Section 22, it provided that the Executive Council should cause to be printed on the official ballots the names of candidates nominated by the conventions of any party which cast 5 per cent of the total vote in Porto Rico at the last election, and also the names of any candidates for any office when petitioned to do so by the electors qualified to vote for such candidates, provided nominations by petition for officers to be elected under this act shall be made by at least 500 signers to said petition, who are registered as qualified voters for said election. Under this regulation the Federal party, not having cast 5 per cent of the vote at the previous election, was now compelled to nominate all its candidates by petition.

It should be borne in mind that this election was a general one at which not only a commissioner to Washington but also members of the House of Delegates, mayors and boards of council and school commissioners for every municipality and road supervisors for each of the seven road districts, were to be chosen. It, therefore, became necessary for the Federal party, in order to have a ticket, to present a petition signed by 500 registered electors, and in many municipalities they had not this number. While it is true that in such municipalities they were in a hopeless minority, nevertheless it was annoying for them to find that they had been deprived from nominating a municipal ticket in certain towns of the island.

Another point of the law that made it somewhat difficult was that the first day of registration was the fourteenth of October and the last day for filing a petition of nomination was the fifteenth of the same month. Consequently, unless there were 500 Federals registered in the previous election it was impossible to register a sufficient number of people on the fourteenth to make good a petition that had to be presented on the fifteenth.

In the orders issued for the election of 1900, the qualifications of an elector were prescribed as follows:

A.—One who is able to read and write; or,

B.—One who owned real estate in his own name or as a member of a co-partnership or corporation; or,

C.—One who on the first day of September owned personal property in his own right and name to the value of \$25.00.

These qualifications were considered as most liberal by Mr. Henry R. Burch in his article on "Suffrage in the Colonies," published in the May ANNALS. Nevertheless, in the election law passed last year the qualifications for registration were somewhat changed and are as follows:

A.—One who is able to read and write; or,

B.—Who, on the day of registration, owns real estate in his own right and name; or who, on said day, is a bona fide member of a firm or corporation, or co-partnership, which owns real estate in the name of such corporation, firm, or co-partnership; or,

C.—Who, on said day of registration, produces to the board of registry of the district wherein such elector may be entitled to vote, a tax receipt showing the payment of any kind of taxes for the last six months of the year in which the election is held.

This is a distinct change in the qualifications, being still more liberal than the already liberal qualifications of 1900. As instead of requiring \$25 personal property a tax receipt showing the payment of any kind of taxes qualifies. There is further added in this same section, "C," the following: "But nothing herein contained shall require a new registration or impose new qualifications for those electors who were registered during the year nineteen hundred who are hereby declared to be qualified to vote without new registration." This established a permanent registration and served as the basis for dividing the island into election precincts.

In the election of 1900 the island was divided into 219 electoral precincts, but under the new law it was provided that each precinct should contain as nearly as practicable 300 electors. Consequently, based on the permanent registration lists of 123,140 names, the supervisor was required to divide the island into more than double the number of precincts, or to be exact into 449 precincts. The task of finding suitable individuals for judges of election and poll clerks in 449 precincts was not an easy one, nevertheless, the seven district boards of election were able to accomplish this, and the 1,400 registration agents and judges of election in addition to the 930 secretaries, all of whom were Porto Ricans, showed a general intelligence which would compare well with the election judges in one of the states of the Union, although it is not surprising that in a few individual cases some of the men who were named were disqualified through ignorance in properly filling their positions.

The change that has been noted in qualification "C," making a tax receipt showing the payment of any kind of taxes sufficient for the registration of an elector at once gave rise to many questions, and from all over the island letters were addressed to the supervisor inquiring what form and for how small an amount the receipt for taxes qualified an elector. Any kind of taxes certainly was exceedingly broad and admitted of either insular or municipal taxes. Any kind of tax would seem to admit of a tax of any amount either great or small. The smallness of a tax was not material provided the individual presented a receipt showing payment within six months, nor was there any limit as to when it might be paid within this period, up to the date

of registration. In many of the municipalities throughout the island very small taxes were collected. The smallest seem to have been daily taxes collected in Guayama and Mayaguez for the use of market stands, where, on the payment of three cents, a person had the right to deposit his basket of vegetables on the floor of the open market and dispose of them. Clearly the framers of the law never meant that a receipt of three cents should qualify a voter. Nevertheless there seemed no legal way of preventing one presenting such a receipt from being registered. The result of this was of course to create almost universal suffrage, as unfortunate indeed was the individual who could not pay his three cents for such a tax receipt, even though he had neither basket nor vegetables to dispose of, or lacking in apparent political shrewdness was the party that could not secure sufficient of these receipts to qualify any number of electors. The remedy for such evils as this, lies in a change in the law which should either grant universal suffrage pure and simple, or by so defining what form of tax receipt renders a holder qualified, as to limit electors to those originally intended to be qualified. With this clause as it stands to-day municipalities would vie with each other in creating forms of tax receipts even for less than three cents, and unless there is a change, at the next election we shall see people qualifying on one cent receipts.

Section 16 of the Election Law reads, "It shall be the duty of the said boards of election at least fifteen days before the date of election to appoint as judges of the election three persons of each precinct and in so far as it may be practicable said judges of election shall not be of the same political party." Some doubt having arisen as to the interpretation of this section an interpretation was sought for from the Executive Council and the following resolution was passed by that body:

"Be it ordered by the Executive Council that following the precedent universally established in the United States of giving the majority party at the last previous election a majority representation in the electoral colleges, the boards of election are hereby instructed to follow this rule in making such appointments, such being the spirit of the law." Acting under this resolution the election agents and judges of election, the same individuals serving in both capacities, were duly appointed.

It is claimed by the minority party that the judges of the majority showed no regard to the rights of the minority party. While many of the inhabitants of the Island of Porto Rico have not been educated with that respect for minority and majority representation that is inherent in those accustomed to republican institutions, and while in many cases they may have taken advantage of a power to render decisions favorable to their respective parties, yet, on the other hand, there were many decisions rendered through ignorance.

Every act of injustice reported to the supervisor's office was remedied so far as it lay in his power to do so. Occasionally judges were found who refused to obey the instructions sent, but, on the other hand, many cases were satisfactorily corrected.

The appointment of special representatives by the acting governor and later by Governor Hunt, which has been commented on as such an improper

proceeding by certain newspapers in the North, was an act of great wisdom, and had much to do with smoothing over difficulties and soothing passions of the members of both parties so that election day passed with a Sabbath quiet. The functions of these gentlemen were to advise. In the towns where they were sent they called together the leaders of both parties, explaining to them that they would be held responsible for a peaceful election, and during the day they visited, one after the other, the precincts in these towns, advising, encouraging and admonishing, the judges, electors and the police as the case might require.

On the day of election warnings were sent to various offenders that they would be proceeded against in the event of their continuing their illegal acts and both parties were keen to present "denuncios" or charges against any judge who appeared to offend. Since election day these charges have been passed on, one by one by the attorney-general's office and by the supervisor. Many have proven to have been unfounded; others are shown to have been corrected after the complaint was made, still others to have been of so trivial a nature as not to warrant proceedings, while, on the other hand, quite a number were found to be of such a serious nature as to require criminal proceedings to be brought. It now rests with the courts to punish these offenders, and to offer an example to the public at large that the election laws are as sacred in Porto Rico as they are in any portion of the United States, and if one offends against them he must suffer the consequences. There are ample provisions in the Penal Code to punish all offenders, and there is no reason to doubt that when people see that the crime will meet its punishment there will be less desire to play smart politics.

In summing up it would seem that the result of this election, notwithstanding various protests of the minority party, has represented the wishes of the people. The minority party, the Federal party, has elected the full number of representatives to the House of Delegates they were entitled to expect. In two or three towns where questions of local politics entered in, and where the rulings of certain judges operated to the material disadvantage of the local minority, the election may not have represented the choice of the people, nevertheless, as a whole it may be said to do so. The great point at issue to the people of Porto Rico and to the people of the United States, was not who should be elected but whether the citizens of Porto Rico were fit to enjoy the franchise, and the result of this election has answered the question in the affirmative.